

February 28, 2006

Minerals Management Service
Attn: Rules Processing Team [RPT]
381 Elden Street
MS-40-24
Herndon, Virginia 20170-4817

RE: *Alternate Energy-Related Uses on the Outer Continental Shelf*
 RIN 1010-AD30

Dear Sir or Madam:

This letter is intended to address the referenced *Advance Notice of Proposed Rulemaking* (ANPR) published in the *Federal Register* on December 30, 2005. These comments are provided on behalf of the Oregon Department of Land Conservation and Development (DLCD), which administers Oregon's federally-approved Coastal Zone Management Program; other agencies of Oregon state government may respond separately to this notice.

DLCD appreciates MMS' thoughtful and complete effort to provide structure to the consideration of issues that may be involved in implementing alternative energy development on the outer continental shelf. DLCD agrees with many of the concepts brought forth in the ANPR, including addressing potential environmental impacts, mitigation, adaptive management, and cooperation with states. Our Department is especially concerned with coordination and consultation with the state, since we administer Oregon's Ocean Management Program, which is embodied in a stewardship area comprised of the entire continental margin offshore this state. The guiding policy of the Ocean Management Program is Oregon's Land Use Planning Goal 19 (Ocean Resources), which speaks directly to conservation, ecological integrity and sustainability. In this context, DLCD supports the integration of a use and effects analysis that provides information about ocean resources and uses, including an assessment of the short-term and long-term effects of any proposed action on those resources and uses.

There are multiple Oregon interests and initiatives that deserve consideration as MMS addresses rules for alternative energy development on the OCS. Oregon's Ocean Policy Advisory Council (OPAC) is responsible for advising the Governor on matters of ocean policy. OPAC is presently considering: 1) marine research reserves in the Territorial Sea; 2) an Oregon Coast National Marine Sanctuary initially encompassing the entire ocean stewardship area; and 3) a state regulatory regime for wave energy. All of these initiatives potentially intersect with MMS' rule development. Moreover, the technology being developed for wave energy now shows feasibility

in water depths on both sides of the 3-mile limit of the Territorial Sea, thus making coherent federal and state regulatory regimes for alternative energy an additional imperative for successful development.

There are many specific areas encompassed in the ANPR for which this department is not presently prepared to comment in detail, but for which we will seek and undertake active future involvement. DLCD also supports comments on the subject topic being submitted separately by the Coastal States Organization. Thank you for the opportunity to comment.

Yours very truly,



LANE SHETTERLY

Director